

Notice of Allowability

Application No.

10/717,976

Examiner

Susan E. Fernandez

Applicant(s)

THORNE ET AL.

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4-12-07.
2. ☒ The allowed claim(s) is/are 16-42 and 55-67.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070911
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Leon B. Lankford, Jr.
Primary Examiner
Art Unit 1651

EXAMINER'S AMENDMENT

The amendment filed on April 12, 2007, has been received and entered.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. On September 10, 2007, an extension of time for 5 MONTH(S) was requested and the applicant authorized the Director to charge Deposit Account No. 19-1090 the required fee for this extension.

Authorization for this examiner's amendment was given in a telephone interview with Stephen J. Rosenman on September 7, 2007.

The application has been amended as follows:

In the claims:

Claim 16 has been replaced with the following:

16. A purified gellan composition containing nucleic acid at a concentration of less than 10 ppm based on the weight of gellan prepared by combining DNase and an unpurified gellan composition contaminated with nucleic acid to make a mixture wherein said mixture is maintained under conditions such that DNase degrades at least some of the nucleic acid, thereby resulting in the purified gellan composition.

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- New claims 55-67 have been added:

55. The purified gellan composition of claim 16 wherein the concentration of nucleic acid in the unpurified gellan composition is more than 100 ppm based on the weight of gellan.

56. The purified gellan composition of claim 16 wherein the purified gellan composition contains less than 50% of the nucleic acid in the unpurified gellan composition.

57. The purified gellan composition of claim 16 wherein said mixture further comprises a DNase activating agent.

58. The purified gellan composition of claim 57 wherein the DNase activating agent is sodium azide.

59. The purified gellan composition of claim 16 wherein said mixture is maintained at 30-45°C for at least 1 hour.

60. The purified gellan composition of claim 16 wherein in preparing the purified gellan composition, nucleic acid degradation is monitored.

61. The purified gellan composition of claim 16 wherein after the mixture is maintained under conditions such that DNase degrades at least some of the nucleic acid, the DNase is deactivated.

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62. The purified gellan composition of claim 61 wherein the DNase is heat deactivated by heating the DNase to an inactivating temperature in excess of 50°C.

63. The purified gellan composition of claim 16 wherein the DNase is DNase I.

64. The purified gellan composition of claim 16 wherein in preparing the purified gellan composition, boric acid is added to the unpurified gellan composition or the purified gellan composition.

65. The purified gellan composition of claim 16 wherein in preparing the purified gellan composition, imidazole is added to the unpurified gellan composition or the purified gellan composition.

66. The purified gellan composition of claim 16 wherein in preparing the purified gellan composition, a size-separation property modifying polymer is added to the unpurified gellan composition or the purified gellan composition.

67. The purified gellan composition of claim 66 wherein the size-separation property modifying polymer is poly(ethylene oxide).

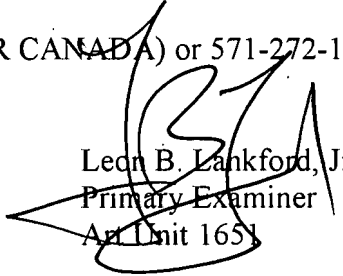
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan E. Fernandez whose telephone number is (571) 272-3444. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on (571) 272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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